THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.1919 of 2006

4th July 2006

Between:

K. Shankaraiah, S/o Pentaiah,
Aged about 48 years, Occ: Supervisor,
O/o Agricultural Market Committee,
Mahabubnagar, Mahabubnagar District.

.. Petitioner.

And

The Commissioner and Director of
Marketing, Government of A.P.,
Hyderabad and four others.

.. Respondents.

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AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.1919 of 2006

ORDER: (Per Hon'ble Sri Justice B. Prakash Rao)

Heard both the sides and at their request, the Writ Petition itself is taken up for disposal.

The petitioner herein, by way of a Writ of Certiorari, seeks to assail the order dated 06.01.2006 in O.A.No.6246 of 2005 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad rejecting the application filed under Section 19 of the Administrative Tribunals Act, 1985, *inter alia,* seeking to assail the orders dated 03.10.2005 in Proceedings No.D (3) 4752 of 2005 issued by the 1st respondent herein transferring the petitioner herein to Badepally.

Few facts, which are necessary for disposal of this Writ Petition, are that earlier, as per the orders dated 29.06.2005, the petitioner was transferred from Badepally to Mahabubnagar i.e., the present place of posting whereas the fourth respondent was transferred from Mahabubnagar to Badepally. The petitioner joined duty on 01.07.2005

and since then he has been working there. However, at the same time, the fourth respondent herein assailed the said orders of transfer in O.A.No.3056 of 2005 wherein the petitioner herein was shown as party respondent No.6 and ultimately the said O.A. was allowed setting aside the impugned transfer proceedings dated 29.06.2005 insofar as the fourth respondent is concerned, it was observed that it is open to the respondents to take further action in accordance with law. The case of the petitioner is that in terms of the said direction given by the Tribunal, the respondent-authorities have passed the orders on 31.08.2005 transferring the fourth respondent from Badepally to Nagarkurnool. Now, under the impugned order dated 03.10.2005, the respondent-authorities again transferred the petitioner to Badepally to accommodate the fourth respondent at Mahabubnagar. Thus, the petitioner submits that the said transfer is illegal as the fourth respondent has already completed four years of service at Mahabubnagar. If the respondent-authorities want to accommodate the fourth respondent at Mahabubnagar, the fifth respondent has to be transferred but not the petitioner.

Though several contentions sought to be urged before the Tribunal, the Tribunal did not find favour with the petitioner and dismissed the O.A. Even in this Writ Petition, the petitioner re-iterates the very same grounds as urged before the Tribunal and except the

same, no further ground is urged. As the said transfer appears to be made on the administrative exigency, we are not inclined to interfere with the same by exercising the jurisdiction of this Court under Article 226 of the Constitution of India.

The Writ Petition is, accordingly dismissed. No costs.

However, it is open to the petitioner to file representation to the concerned authorities pointing out any practical difficulty and the respondent-authorities shall consider and dispose of the same on merits un-influenced by any of the reasons given by this Court.

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B. PRAKASH RAO, J

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RAMESH RANGANATHAN, J

4th July 2006.
Chvn.